

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, November 9, 2021

Hearing Room 201

11:30 AM

9: -

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
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Tuesday, November 9, 2021

Hearing Room 201

11:30 AM

9:21-10262 Ernesto Ramos Torres

Chapter 13

#1.00 HearingRE: [32] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Chevrolet Tahoe, VIN: 1GN5CBKC3HR322570 . (Ith, Sheryl)

Docket 32

Tentative Ruling:

No tentative ruling. This is a **FINAL RULING**. This motion was set for hearing in accordance with Local Bankruptcy Rule ("LBR") 9013-1(d). The failure of any party to file written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(f) is deemed consent to the granting of the motion. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court is granting the relief that the moving party requested and for which a *prima facie* case has been established, an actual hearing is not necessary. *Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Their defaults are entered and the court will resolve the matter without oral argument. LBR 9013-1(j)(3). **NO APPEARANCE IS NECESSARY.**

GRANT under 11 U.S.C. § 362(d)(1).
GRANT as binding despite conversion.
GRANT waiver of FRBP 4001(a)(3) stay.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Ernesto Ramos Torres

Represented By
Michael B Clayton

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
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CONT... Ernesto Ramos Torres

Chapter 13

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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Tuesday, November 9, 2021

Hearing Room 201

11:30 AM

9:21-10225 Francis Edwin Robertson

Chapter 7

#2.00 CONT'D Hearing
RE: [22] Motion to Avoid Lien Judicial Lien with Jessica Bailey

FR. 8-31-21

Docket 22

Tentative Ruling:

This tentative ruling covers matters 2 and 3.

It appears that the debtor is only claiming a \$175,000 homestead exemption. With the record as it is, the court doesn't have enough evidence to grant either motion of the debtor. The court can't resolve the value of the property with the current record -- even if the debtor did have a declaration to authenticate Mr. Thermos's appraisal. It appears that any value in excess of \$426,693.58 would leave some equity to pay the first-recorded judgment lien of Jessica Bailey. Once the court makes a finding on value after an evidentiary hearing, wouldn't John Bailey's later-recorded lien be avoidable in any event (because Jessica Bailey's lien is in the amount of \$382,533)?

If the debtor is claiming a homestead exemption of only \$175,000, the court will need to set an evidentiary hearing regarding the value of the property and the motion to avoid Jessica Bailey's lien. Since the value of the property is not clearly established, the motion to avoid John Bailey's lien (Docket No. 23, Cal. No. 3) will also be continued.

Party Information

Debtor(s):

Francis Edwin Robertson

Represented By
Luis Esparza

Movant(s):

Francis Edwin Robertson

Represented By
Luis Esparza

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CONT... Francis Edwin Robertson

Chapter 7

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, November 9, 2021

Hearing Room 201

11:30 AM

9:21-10225 Francis Edwin Robertson

Chapter 7

#3.00 CONT'D Hearing
RE: [23] Motion to Avoid Lien Judicial Lien with John Bailey

FR. 8-31-21

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francis Edwin Robertson

Represented By
Luis Esparza

Movant(s):

Francis Edwin Robertson

Represented By
Luis Esparza

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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Tuesday, November 9, 2021

Hearing Room 201

11:30 AM

9:20-10554 CPESAZ LIQUIDATING, INC.

Chapter 11

#4.00 Hearing
RE: [1019] Motion to Remove Professional Individual CPES ESOP Participants'
Notice of Motion and Motion to Disqualify Faegre Drinker Biddle & Reath LLC
and Request for Issuance of Show Cause Order; Memorandum of Points and
Authorities in Support

Docket 1019

***** VACATED *** REASON: Continued to November 17, 2021 at 11:30
a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CPESAZ LIQUIDATING, INC.

Represented By
Ryan M Salzman
Scott F Gautier
Vince Slusher
Maria Cho

Movant(s):

Bob Bennetti

Represented By
David R Johanson
Scott H McNutt

**United States Bankruptcy Court
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11:30 AM

9:21-10261 37 Ventures, LLC and Larada Sciences, Inc.

Chapter 11

#4.10 CONT'D Hearing

RE: [129] Motion for 2004 Examination (Beiswenger, Jacob)

Fr. 7-13-21, 7-22-21, 7-27-21, 8-3-21, 8-10-21, 8-17-21, 8-31-21, 9-14-21,
9-28-21, 10-12-21, 10-26-21

Docket 129

***** VACATED *** REASON: Continued to 11/30/21, at 11:30 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

37 Ventures, LLC

Represented By
Gary E Klausner
Jeffrey S Kwong
Eve H Karasik
Ron Bender

Larada Sciences, Inc.

Represented By
Derrick Talerico

Movant(s):

Knight and Bishop, L.P.

Represented By
Jacob Beiswenger

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11:30 AM

9:21-10261 37 Ventures, LLC and Larada Sciences, Inc.

Chapter 11

#4.20 CONT'D Hearing RE: Disclosure Statement - Disclosure Statement to
Accompany Debtors' Joint Plan of Reorganization Dated July 16, 2021 - Filed by
Debtor 37 Ventures, LLC. (Klausner, Gary)

FR . 8-31-21, 10-26-21

Docket 213

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

37 Ventures, LLC

Represented By
Gary E Klausner
Jeffrey S Kwong
Eve H Karasik
Ron Bender

Larada Sciences, Inc.

Represented By
Derrick Talerico

**United States Bankruptcy Court
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Tuesday, November 9, 2021

Hearing Room 201

11:30 AM

9:21-10451 James Rios Parga

Chapter 13

Adv#: 9:21-01026 Renteria et al v. Parga

#5.00 Status Hearing RE: [1] Adversary case 9:21-ap-01026. Complaint by Santos Renteria, Norma Renteria against James Rios Parga. R)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Rios Parga

Represented By
Reed H Olmstead

Defendant(s):

James Rios Parga

Represented By
Reed H Olmstead

Plaintiff(s):

Santos Renteria

Represented By
R Grace Rodriguez

Norma Renteria

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:30 AM

9:17-11363 Rajysan, Inc.

Chapter 11

Adv#: 9:18-01040 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS of t v.

#6.00 Hearing
RE: [227] Motion Notice of Motion and Motion for Order: (1) Compelling Testimony of the PMK of Armanino, LLP; (2) Compelling the Production of Documents by Armanino, LLP; and (3) Awarding Attorneys Fees and Costs; Memorandum of Points and Authorities; and Declaration of Chad V. Haes in Support, with Proof of Service [Hearing: 11/09/2021 at 11:30 a.m.]

Docket 227

***** VACATED *** REASON: Order Taking Discovery Motion Off
Calendar entered on 10/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rajysan, Inc.

Represented By
Andrew Goodman

Defendant(s):

Gurpreet Sahani

Represented By
Lewis R Landau
Stephen E Hyam

Rajinder Sahani

Represented By
Lewis R Landau
Stephen E Hyam

Amarjit Sahani

Represented By
Lewis R Landau
Stephen E Hyam

Shaheen Sahani

Represented By
Lewis R Landau
Stephen E Hyam

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CONT... Rajysan, Inc.

Chapter 11

Gurpreet Sahani as Trustee of The

Represented By
Lewis R Landau
Stephen E Hyam

Movant(s):

THE OFFICIAL COMMITTEE OF

Represented By
Chad V Haes
D Edward Hays
Tinho Mang

Plaintiff(s):

THE OFFICIAL COMMITTEE OF

Represented By
Chad V Haes
D Edward Hays
Tinho Mang

Trustee(s):

Sandra McBeth (TR)

Represented By
Timothy J Yoo
Adam D Grant
Todd M Arnold
Carmela Pagay

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9:19-10117 Carolina Chavez

Chapter 7

Adv#: 9:19-01037 McBeth v. Chavez

#7.00 Status Hearing

RE: [1] Adversary case 9:19-ap-01037. Complaint by Sandra K. McBeth against Javier Chavez. (Charge To Estate). Nature of Suit: (31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Sholder, Joseph)

FR. 9-26-19, 12-17-19, 3-24-20, 8-4-20, 10-14-20, 2-3-21, 5-5-21, 5-11-21, 8-17-21

Docket 1

***** VACATED *** REASON: Continued to February 8, 2022, at 11:30 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carolina Chavez

Represented By

Andrew S Mansfield - INACTIVE -

Defendant(s):

Javier Chavez

Represented By

Larry D Webb

Plaintiff(s):

Sandra K. McBeth

Represented By

Joseph M Sholder
Felicita A Torres

Trustee(s):

Sandra McBeth (TR)

Represented By

Joseph M Sholder
Felicita A Torres

**United States Bankruptcy Court
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11:30 AM

9:19-10312 Sergio Garcia Villanueva

Chapter 7

Adv#: 9:20-01054 Namba v. Valero et al

#8.00 Status Hearing

RE: [1] Adversary case 9:20-ap-01054. Complaint by Jerry Namba against Caleb Valero, Adriana Valero. (\$350.00 Fee Charge To Estate). (Attachments: # 1 Summons) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)), (14 (Recovery of money/property - other)) (Horowitz, Carissa)

FR. 1-4-21, 5-5-21, 5-11-21, 8-10-21

Docket 1

***** VACATED *** REASON: Stipulated order entered on 11-8-21.
Hearing continued to February 22, 2022 at 11:30am.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergio Garcia Villanueva

Represented By
Matthew D. Resnik

Defendant(s):

Caleb Valero

Represented By
Steven J Shapero

Adriana Valero

Represented By
Steven J Shapero

Plaintiff(s):

Jerry Namba

Represented By
Carissa N Horowitz

Trustee(s):

Jerry Namba (TR)

Represented By
William C Beall
Carissa N Horowitz

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CONT... Sergio Garcia Villanueva

Chapter 7

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9:20-10111 Kiki Leigh Scheiblaue

Chapter 7

Adv#: 9:20-01037 Griffith & Thornburgh, LLP et al v. Scheiblaue

#9.00 CONT'D Status Hearing
RE: [1] Adversary case 9:20-ap-01037. Complaint by Griffith & Thornburgh, LLP,
Paul Capritto against Kiki Leigh Scheiblaue. false pretenses, false
representation, actual fraud)) (Torres, Felicita)

FR. 8-25-20, 11-10-20, 12-9-20, 2-10-21, 8-3-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kiki Leigh Scheiblaue

Represented By
James Studer

Defendant(s):

Kiki Leigh Scheiblaue

Represented By
James Studer

Plaintiff(s):

Griffith & Thornburgh, LLP

Represented By
Felicita A Torres

Paul Capritto

Represented By
Felicita A Torres

Trustee(s):

Jerry Namba (TR)

Pro Se

**United States Bankruptcy Court
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11:30 AM

9:20-11023 Lonnie August

Chapter 7

Adv#: 9:20-01056 Sanches v. August et al

#10.00 CONT'D Pre-Trial Conference
RE: [1] Adversary case 9:20-ap-01056. Complaint by Marta G. Sanches against Lonnie August, Roxann August. false pretenses, false representation, actual fraud)),(41 (Objection / revocation of discharge - 727(c),(d),(e))) (Salinas, Allan)

FR. 5-11-21, 07-13-21, 8-24-21

Docket 1

Tentative Ruling:

No order was ever lodged assigning the matter to mediation; just a notice of lodgment.

Do the parties need another continuance of the pretrial conference?

Party Information

Debtor(s):

Lonnie August

Represented By
Todd J Mannis

Defendant(s):

Lonnie August

Represented By
Janet A Lawson

Roxann August

Represented By
Janet A Lawson

Joint Debtor(s):

Roxann August

Represented By
Todd J Mannis

Plaintiff(s):

Marta G. Sanches

Represented By
Allan K Salinas

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CONT... Lonnie August

Chapter 7

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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Tuesday, November 9, 2021

Hearing Room 201

11:30 AM

9:19-10291 Golf View Lane Limited Partnership, a California L

Chapter 11

Adv#: 9:19-01058 Golf View Lane Limited Partnership, a California L v. Pinnacle Estate

#11.00 HearingRE: [112] Stipulation By Golf View Lane Limited Partnership, a California Limited Partnership and Stipulation That Banking Institutions For Accounts Allegedly In Name Of Chapter 7 Estate Of Valley Enterprises Ts, Inc. (1:20-Bk-11784-Mb) Produce Documents

Docket 112

Tentative Ruling:

Mr. Pasco has objected to the stipulation entered into by the Debtor and the Trustee (the "Stipulation").

Standing

A person commanded to produce document or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises. Fed. R. Civ. P. 45(d)(2)(B). A motion to quash or modify a subpoena is permitted in order to protect a person subject to or affected by a subpoena. See Fed. R. Civ. P. 45(d)(3)(B).

Only the third party on which the subpoena is served has standing to object to alleged defects in the method of service. *Jiae Lee v. Dong Yeoun Lee*, 2020 WL 7890868, at *5 (C.D. Cal. Oct. 1, 2020) (citing *Donahoo v. Ohio Dep't of Youth Servs.*, 211 F.R.D. 303, 306 (N.D. Ohio 2002)). Similarly, only the party to which the subpoena is directed has standing to object to the requests on the grounds that they are irrelevant, vague, overbroad, duplicative, unduly burdensome, etc. *Id.*

The statute and the case law are clear. Mr. Pasco does not have standing to object to the subpoenas, which were directed toward Boston Private Banking & Trust Co, JP Morgan Chase Bank, N.A, and East West Bank. Mr. Pasco's proper method to contest the subpoenas would have been a motion to quash or modify brought under FRCP 45(d)(3)(B). While Mr. Pasco may argue that the objection to the Stipulation is not an objection to

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CONT... Golf View Lane Limited Partnership, a California L Chapter 11

the subpoena, this is simply not the case. Mr. Pasco's objection to the Stipulation asks the court to rule that the subpoenas are invalid. It is clearly an attempt to object to the subpoenas themselves.

The Stay

A petition filed under section 301, 302, or 303 of the Bankruptcy Code operates as a stay, applicable to all entities, of the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under the Bankruptcy Code, or to recover a claim against the debtor that arose before the commencement of the case. 11 U.S.C. § 362(a)(1).

Section 362(a)(1) applies only to actions against a debtor. *In re Miller*, 262 B.R. 499, 503 (9th Cir. BAP 2001). Section 362(a), therefore, does not stay actions against guarantors, sureties, corporate affiliates, or other non-debtor parties liable on the debts of the debtor. *Id* at 503-504.

Again, the statute and the case law are clear. Jose Pasco is not a debtor. The automatic stay does not apply to him. The banking institutions are not debtors. The automatic stay does not apply to them. The issuance of the third-party subpoenas was not in violation of the automatic stay of either the Debtor or VETS.

The Stipulation

Even though the objections of Mr. Pasco are meritless, the Stipulation itself is somewhat problematic. The banking institutions subject to the subpoenas have refused to produce documents without a court order, some in response to Mr. Pasco's first attempt to object to the subpoenas. The Trustee and Debtor seem to be seeking a comfort order so the banking institutions comply with their requests.

First off, the banking institutions are not a party to the stipulation. It isn't clear how the Trustee and counsel for the Debtor can stipulate that the banking institutions "shall comply with the subpoenas ..."

Next, the stipulation states that the Debtor and the Trustee agree that

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CONT... Golf View Lane Limited Partnership, a California L Chapter 11

"[t]he Objections are invalid as they did not properly comply with Fed. R. Civ. P. 45." That may be the case, but the stipulating parties should not stipulate to conclusions of law.

If the parties want the court to approve the Stipulation as some sort of comfort order, some changes to the language are necessary.

Party Information

Debtor(s):

Golf View Lane Limited Partnership,	Represented By Joseph G McCarty M. Jonathan Hayes Robert M Yaspan
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Defendant(s):

Pinnacle Estate Properties, Inc.	Represented By Alana B Anaya
Garen Gary Keshishyan	Represented By Alana B Anaya
Levis Pasco Obando	Represented By Alana B Anaya
Valley Enterprises TS, Inc.	Represented By Anthony N Ranieri Michael Jay Berger
Jose Pasco	Represented By Anthony N Ranieri
Closing Agents, Inc.	Pro Se
DOES 1 through 25, inclusive	Pro Se
Igya Demirci	Pro Se

Plaintiff(s):

Golf View Lane Limited Partnership,	Represented By
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**Golf View Lane Limited Partnership, a California L
Robert M Yaspan**

Chapter 11